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July 17, 2003

Docket Management Facility
U.S. Department of Transportation
Room PL-401
400 Seventh Street, SW
Washington, DC 20590-0001

Re: Vessel Security
Docket Number USCG-2003-14749

On July 1, 2003, the U.S. Coast Guard published a Temporary Interim Rule regarding vessel security, a request for comments relating to vessel security, and a notice of a public meeting (68 Fed. Reg. 39292). These comments are submitted in response to that request and do not necessarily reflect the views of my firm or its clients.

The vessel security regulations are extensive and detailed. The Coast Guard is to be commended for issuing the numerous maritime security regulations in such a short period of time. There appear to be, though, several points at which provisions may have been overlooked. The following are submitted for consideration.

Issuance of ISSC:

46 CFR § 2.01-25(a)(1) has been amended to add "(viii) International Ship Security Certificate" as a certificate required to be carried on certain U.S. passenger, cargo, or tankships engaged in international voyages. (68 Fed. Reg. 39314 dated July 1, 2003).

There has been no corresponding change to 46 CFR § 2.01-25(a)(2) that would allow the cognizant Officer in Charge, Marine Inspection (OCMI), to issue the International Ship Security Certificate (ISSC) to qualifying U.S.-flag vessels. It is recommended that the

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regulation be amended to make clear the authority of the cognizant OCMI to issue the ISSC to qualifying vessels.

Gap in Requirement for VSP:

A vessel security plan (VSP) is required by the new 33 CFR § 104.410 to be submitted on or before December 29, 2003 for vessels then in operation. For vessels built on or after July 1, 2004, submittal must be made at least 60 days prior to beginning operation. (68 Fed. Reg. 39313 dated July 1, 2003). No provision is made for vessels built or commencing operation after December 29, 2003 and before July 1, 2004. It is recommended that this regulation be amended to close this gap.

Language of VSP:

The vessel security plan (VSP) is required to be written in English (33 CFR § 104.400(a)(2), as added by 68 Fed. Reg. 39312). No provision is made for ensuring that a copy of the VSP is written in the working language of the crew for those U.S. vessels and foreign non-SOLAS vessels where English is not the working language. It is recommended that such a 'working language' provision be added to help ensure that the VSP is understood by the crew that is charged with implementing it.

Security Incident Procedures

The vessel security plan (VSP) is required to include procedures for notifying "shoreside authorities" in the event of a transportation security incident (33 CFR § 104.290(a)(5), as added by 68 Fed. Reg. 39310). The statute on which this regulation is based (46 U.S.C. § 70104) provides that the security plans shall include procedures for notifying and coordinating with "local, State, and Federal authorities, including the Director of the Federal Emergency Management Agency." It is recommended that the notification procedures of this regulation be amended to conform to the statute.

The above comments are meant solely to be constructive and should not be seen as critical of the Coast Guard's continuing and noteworthy efforts with regard to maritime security.

Sincerely,

Dennis L. Bryant